

SLAVERY—A PUBLIC ENEMY, AND OUGHT THEREFORE TO BE DESTROYED; A NUISANCE THAT MUST BE ABATED.

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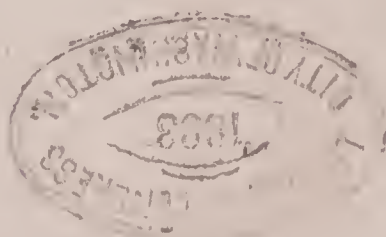
OF

HON. W. P. CUTLER,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

APRIL 23, 1862.



WASHINGTON, D. C.

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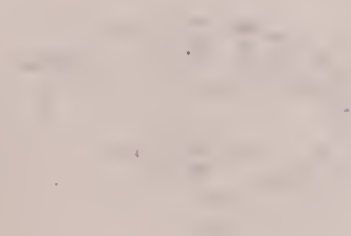
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## S P E E C H .

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Mr. CUTLER said:

Mr. CHAIRMAN: In the preamble of the bill under consideration I find the following weighty and startling words:

"Slavery has caused the present rebellion in the United States, and there can be no solid and permanent peace and union in this Republic so long as that institution exists."

Sir, I believe these words are true. This conviction imposes upon me the duty not only of urging the President to use his power as provided in the bill, but opens the whole field of inquiry as to what policy is demanded to secure "solid and permanent peace and union." I shall therefore address myself directly to the inquiry whether, under the Constitution, Congress has any right to interfere with the system of slavery in the States.

I approach the subject with some reluctance, because I have, up to the breaking out of this rebellion, held that slavery was a local affair, and that Congress, having no rights over it, had no duties to perform in the premises. But I have always claimed that if the guardians of that institution, in their folly and madness, ever did succeed in giving it nationality, so that I should be held responsible in any way for its future existence, it should have no mercy at my hands.

I am also compelled to approach this question and look at it from the quiet stand-point of a plain business man, making no pretensions to political sagacity, having a thorough dislike for all political strategy, and no taste whatever for the mere agitation of any question. But I find a deep, strong, and rapidly increasing under-current of thought and feeling among quiet, intelligent people, running in the direction of a final and complete solution of this question of slavery.

This inquiry has produced some agitation, and may produce more. I have not in times passed furnished, nor do I expect in future to furnish, much contribution to such agitation; but I must say that of one thing I have as thorough a contempt as is consistent with that courtesy I desire at all times to extend to those who differ with me in opinion. I allude to that

kind of political management which seeks to control or suppress agitation upon this subject by dint of hard names, scornful epithets, and blustering threats.

I remember once to have read of an eastern monarch marching at the head of the most numerous army ever mustered, who was exceedingly annoyed by the boisterous agitation of the waves of the sea, which threatened to interrupt his progress and defeat his plans. He resorted to a pronunciamiento, and undertook to lecture the sea into obedience. Now, in my humble judgment, Xerxes made a great ass of himself, and lost some money, when he undertook to chain down the sea. There are people to-day who are attempting as foolish a task, and will some time or other be crowned with the same honors. You might as well read the riot act to a West India hurricane as to attempt to scold the people of this country into silence on any subject.

This agitation, sir, will never stop until this whole question of slavery is settled in accordance with the judgment and conscience of an intelligent Christian nation. The short logic now running through the minds of many people is this: slavery is the cause of this war; therefore slavery must be destroyed.

It is quite evident that the mind of the President—with the simplicity, earnestness, and honesty which characterize the man—is running in the same deep and thorough channel. In his recent message, he makes the "abolishment of slavery" a question of "self-preservation," and as such commends it to Congress. As a faithful guardian of the national life, he has uttered a warning voice which it would be unwise, if not criminal, to disregard. While he has shown a proper deference to those interested, and sought their co-operation in any practical measure, it cannot be supposed that he intends that a question of self-preservation shall ever pass out of the hands of the sovereignty whose life is endangered; for to admit that each State, acting as States, can control and finally determine a question of life and death for the whole nation, is simply absurd.



The question then is upon us, and while my own views are quite decided, and have been formed outside of the arena of prevailing agitation, I shall present them with great diffidence, and in the spirit of earnest inquiry as to what is the right way, disclaiming all right or intention of speaking for anybody but myself. I shall indulge in an independent utterance upon the "vexed question," having a proper regard for differences of opinion and a proper disregard for personal consequences.

It cannot be denied that this general dread and real abhorrence of slavery prevailing in the minds of right-minded people is accompanied with the feeling that nothing can be done to secure its final overthrow without violating the Constitution of the United States. I recognise this wide-spread, universal regard for the Constitution as one of the grand safe-guards of national existence, and not to be lightly esteemed by those who give direction to public opinion.

The inquiry, therefore, meets us at the threshold of the discussion: does the Constitution, by a fair construction of its powers, authorize or permit such interference by Congress with slavery as will lead to its ultimate extinction?

It is not simply in its property aspects that slavery is urged upon our most serious consideration. The relation which that system bears to our democratic institutions of government, the effect which its existence has had and its continuance will have upon their perpetuity, the antagonisms which naturally and necessarily flow from that source, and, above all, the intimate and direct connection between that system and the present rebellion, furnish topics of serious inquiry, and give rise to the question, still more serious, whether the Constitution itself is competent to grapple with impending dangers from this source and supply an efficient remedy.

The inquiry, of course, must lead to an investigation of the real merits of the system of slavery, a careful consideration of its power and tendencies for mischief, and involves the right and duty of Congress in the premises.

Without promising to pursue anything like logical accuracy in the discussion, I offer the following propositions as a basis, and will attempt to prove them sound:

1. It is the right and duty of Congress to destroy every enemy that threatens the national life.

2. Slavery is such an enemy. Therefore it is the right and duty of Congress to destroy slavery.

It will be conceded that our fathers, by the formation of the Constitution, succeeded in creating an absolute sovereignty for all purposes expressed in the instrument itself. These purposes are clearly set forth in the preamble in the following language:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the gen-

eral welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Now, whatever other objects, purposes, or aims the people may have had, it is absolutely certain that unity, justice, domestic tranquillity, defence, general welfare, and liberty were intended to be secured to themselves and posterity, by ordaining and establishing the Constitution. These objects became the law of the new being thus created. It lives to secure them. A blow aimed at any or all of them is a blow aimed at its own life. As a sovereignty created for these objects, it has a right to live.

This right to exist involves the right to destroy enemies. If it has a right to destroy enemies, there must be a corresponding right to discriminate and determine who and what are or are not enemies. If this right of discrimination and determination exists, it will hardly be denied that Congress, acting in its co-ordinate capacity, is the proper organ of the Government to exercise this function.

I do not go to the preamble in search of a distinct grant of power. I go there to ascertain the purposes for which the Constitution was formed. I assume that the Government established by that instrument is absolutely sovereign to carry out and secure these purposes. To deny to a sovereignty thus formed the power necessary to carry out and secure the purposes of its own creation, really involves the absurdity of denying that it is a sovereignty at all. I need not point out specific clauses, because self-preservation, or, in other words, the carrying out and securing the purposes of its own creation, is the aim, end, substance, and fulfilling of the whole instrument.

No one, surely, can deny that the causes of the present most wicked and outrageous rebellion, which, thus far, has succeeded in destroying the "unity" and "tranquillity" of the nation, are proper subjects of inquiry and determination; and if, upon such inquiry, it shall be found that slavery is its author—or if its identification with this rebellion is such as to demonstrate its utter antagonism with the purposes for which the Constitution was formed—then it is not only the right but the duty of Congress to take such measures as it may deem proper for its destruction as a public enemy. The safety of the people is the supreme law, to which every interest, every institution, every man's life, even, must yield obedience.

But I am met at this point with the objection that slavery is guarantied by the Constitution—that the web of its existence, by some mysterious process, is so interwoven with the warp and woof of that instrument, that to touch slavery you destroy the Constitution.

It is far from my purpose to enter into a nice discussion of constitutional law, but rather to state facts and to pursue those inferences which seem palpable and open to the most slender comprehension. It is a fact that nearly all the



controversies which have hitherto prevailed on the subject related to the extension of the system or to the return of fugitive slaves. These controversies are inapplicable to a proposition to destroy the system, upon the ground that it is a public enemy. Granting that the Constitution did guaranty the return of fugitive slaves, it does not follow that it undertook to keep up a supply of fugitives. But we may understand the subject better by inquiring into the facts of the existence of the system in this country, and may thus see whether the Constitution is in any way responsible for it. That slavery in this country had its origin in the forcible abduction of its victims from a foreign country, and that their bondage ensued as a usual status of captives taken in war, is true, but that the persons now held in slavery are captives taken in war will not be claimed. The status of those now held in slavery is determined by applying to each individual an old heathen maxim, "*partus sequitur ventrem*," "the child follows the condition of the mother." From whence is that maxim derived? From a nation whom God in His wrath has tried, condemned, executed, and buried out of sight, mainly because it persistently applied that maxim to creatures born in His image, thus perpetuating a system which dishonored Him, and more than anything else wrought out its own national ruin.

Now, this great nation, leading the van of Christian and democratic progress, digs out of the fire and brimstone of Roman perdition this maxim, makes it the very basis and foundation of a system which dooms to slavery the laborers of half a continent, and then coolly throws the responsibility of the abhorrent deed upon the Constitution of the United States. Now, let us see how the case stands. The Constitution says, no person shall be "deprived of liberty without due process of law." This heathen maxim deprives a whole race of liberty, and assigns as the only reason, not that they are black, not that they are captives, but that the mother was a slave. Here is a direct, positive, fatal conflict with the Constitution.

It may be claimed that this maxim has been recognised by judicial and legislative action, and has become the local common law of the slave States. Grant that it is so. This assumption relieves the Constitution of any paternity of the system, and to this extent, surely, there is no guarantee. No local or common law can repeal or abrogate the Bill of Rights. More than this, the heathen maxim—*partus sequitur ventrem*—works a corruption of blood. Now, if there is any one of the old feudal principles of despotism more thoroughly condemned and abhorred than another, this idea of corruption of blood is that one. It was not only buried by common consent of the Anglo-Saxon race, long before the formation of the Constitution, but the possibility of its resurrection was forever precluded in that instrument; and yet

it is the very life, indeed the only blood the system of slavery has in it.

So far is it from being true that slavery is based upon the Constitution, it may be stated as a general proposition, that neither the organic or statutory laws of the slave States themselves undertake to create the relation of master and slave, but treat it as an existing fact. The constitution of Kentucky, adopted in 1850, however, was probably intended to form an exception to this rule. It is there provided, (article 13, section 3:)

"That the right of property is before and higher than any constitutional sanction; that the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatever."

There we have the higher law of slavery, something above constitutional sanction. The same provision found its way into that graceless political reprobate called the Lecompton constitution. This is not so much an effort to create the institution, as it is an attempt to perpetuate a relation already existing, and to withdraw it from the reach of legislative and judicial interference. It is a concise embodiment of the results of the system and an endorsement thereof by the organic law. This culmination of the slave theory, as stated in the Kentucky constitution, did not satisfy its friends, and hence the demand for what was intended to be a complete panacea for all its ills—the Dred Scott decision. I have thus briefly stated the facts relating to the vitality of slavery, and described the thing which is claimed to be guaranteed by the Constitution.

Now, when I am daily met with the demand, most vigorously and earnestly, and with apparent sincerity made, that I shall live up to and respect the guarantees of the Constitution in regard to slavery, I think I have a right to demand, where are those guarantees written in the instrument itself? I do not want outside understandings or conversations to be substituted for the text; but where is it nominated in the bond that the sovereignty created by the Constitution shall enforce that decree of hell by which, with the brevity and point of a thunderbolt, the child born in the image of God is severed from the womb and consigned to the stall of the brute? Give me the text of the organic law of this great nation, which sanctions or enforces the robbery of cradles to supply sinews for a toil creative of luxury for an oligarchy. Where are we bidden to enforce a theory and to protect an interest which declares itself to be above all constitutional sanction?

I claim that the Constitution gives no guarantee whatever for the existence of slavery, but that it lives solely by its own local law, and that local law is in palpable violation of the Constitution.

But I go further, and say that if the life of the institution had been guaranteed by the Constitution, if it had drawn its life-blood from that source, if it becomes a public enemy, its



right to live is forfeited. I say this, because the condition of life for every being is, that it shall not use its powers to strike down the life of its creator. If it does, then its own life is forfeited. And I venture to assert, as an historical fact, that no proper judicial tribunal has ever considered and decided the question, whether, under and by virtue of the Constitution, a child born of a slave mother can in consequence be held to service for life; but, on the contrary, the courts have treated the relation of master and slave as an existing status, without having inquired into its rightfulness.

It is therefore at least an open question, whether there can be such a relation under the Constitution, or rather, whether the Constitution does not sweep away every local law that is in direct conflict with its own provisions. And it was to avoid this very question that slaveholding Senators resisted a trial by jury of fugitive slaves. Mr. Mason, of Virginia, on the 19th of August, 1850, in the Senate, said:

"Then again it is proposed, as part of the proof to be adduced at the hearing after the fugitive has been recaptured, that evidence shall be brought by the claimant to show that slavery is established in the State from which the fugitive absconded. Now this very thing, in a recent case in the city of New York, was required by one of the judges of that State, which case attracted the attention of the authorities of Maryland, and against which they protested, because of the indignities heaped on their citizens and the losses sustained in that city. In that case the judge of the State court required proof that slavery was established in Maryland, and went so far as to say that the only mode of proving it was by reference to the statute-book. Such proof is required in the Senator's amendment; and if he means by this that proof shall be brought that slavery is established by existing laws, it is impossible to comply with the requisition, for no such proof can be produced, I apprehend, in any of the slave States. I am not aware that there is a single State in which the institution is established by positive law."

We are thus brought to the consideration of the minor proposition that slavery is a public enemy. It is evident that the main controversy must turn upon the truth of this proposition, for if its enmity were quite apparent, if it stood in the same attitude of hostility as the southern confederacy now stands, the unanimous voice of the people, which now demands the unconditional downfall of that combination, would demand in like manner the extinction of slavery. It is my object to show that it is thus hostile, and that this rebellion is simply slavery in arms against the Constitution.

Let us for a moment look at its past footprints upon this continent, and inquire into its true origin, aims, and results. More than two hundred years ago a vessel landed upon the shores of this wilderness continent, freighted with an idea. True, there was material property and men on board that vessel, but they have all perished with the rubbish of the past. But the idea came for conquest and dominion, and it still lives. That idea had long held sway over Europe and determined the fate of its people. The idea was simply that the few had a right to control the many, and to appropriate for their own benefit the fruits of the laborer's toil. Then it was called feudalism; its victims, villeins; its home was in the mountain

crag; its business, war; its wealth, spoils; its pleasant places, the desolations of industry; its law, the will of a chieftain; its prey, the people; its history, the dark ages of Europe.

The organization of regular governments under monarchies dislodged feudalism from its mountain fastnesses and strongholds, and compromised with its leaders by offers of position at court; but the idea itself was never dislodged from the heart of the gentry of Europe. Driven from its first possessions, it sought other devils, more malignant than itself, and started its fortunes in the newly swept and garnished continent of America. I need not trace the development of the fendal or despotic idea into the full grown system of slavery as it now exists. In its new form it is seven times worse than before. It was despotism then; it is despotism now. In Europe, it succumbed and gradually vanished before the palestarlight of the monarchies. But while Heaven and earth rejoiced over its downfall there, it cunningly steals half a continent here, and bids defiance to God and man, under the Constitution of the United States. But the day of its judgment has come. The cry of the poor has reached the ear of their Almighty friend, and that system, which has hitherto eluded retribution, must stand the scrutiny of mankind, and be judged by its deeds.

Let us examine some of the direct antagonisms between the system and the objects for which the Constitution was formed. As an illustration how entirely it defeats the first object named—that is, "justice"—I need not spend time in arguing that slavery is contrary to natural justice. That point is so universally conceded that it may be assumed as an axiom. The authors of the Constitution decided that "justice" should be one of the objects to be cared for and promoted by that instrument. As it is not limited in terms to any particular class of persons, it is fair to presume that it was intended to reach all who are to be affected by the administration of justice.

It is not necessary for the purpose of my argument to extend the inquiry as to how far every inhabitant of a country may demand justice at the hands of a sovereignty formed by the people for the avowed purpose of establishing justice, or to throw upon the General Government responsibilities in this regard which belong to State governments. But I do desire to enter a modest but firm protest against the popular view of this question taken by all parties, which contemptuously and scornfully ignores all right of the slave to justice in his personal relations, and without desiring to take a hyper-religious view of the subject, or press Christian ethics improperly into the controversy, I do claim that, when God in His providence locates beings formed in His own image within the territorial limits of a sovereignty, professedly based upon justice, there is an obligation somewhere to give heed to His claims

in this regard. He has pledged the honor and strength of His government in behalf of the oppressed. Hence it is that "whoever oppresseth the poor reproacheth his Maker." And I venture to say that the Almighty has this day a controversy with this nation because the rights of the poor have been persistently ignored and natural justice denied to them. Now, we may say that a denial of justice to the slave can work no harm to us, because the slave is too weak to vindicate his rights. But the constitutional guardians of a nation's sovereignty cannot afford to enter the lists against such an adversary as we do encounter when we oppress the poor and vex the needy. It may seem easy to stop the mouth of the dumb and turn away the poor and friendless from his right, but their Redeemer is mighty, and no wise counsellor of the nation's safety will attempt to thwart His purposes or refuse to co-operate in His plans when He rises in the majesty of His power to vindicate the rights of the poor.

If it shall appear that the power of the sovereignty can be rightfully exercised, directly to carry out the objects of its being, or if this system of crying injustice has made itself obnoxious to interference by this and other delinquencies, and in consequence of outrages upon the nation's life and welfare—permitted by Providence, perhaps, for this very end—there, I say, our responsibility begins. Let us give a moment's heed to His warnings; see what estimate He places upon the rights of the poor, and the pledges he has given to vindicate their cause:

"Rob not the poor because he is poor; neither oppress the afflicted in the gate; for the Lord will plead their cause and spoil the soul of those that spoiled them."—*Proverbs*, xxii, 22, 23.

"Wo unto him that buildeth his house by unrighteousness and his chambers by wrong; that useth his neighbor's service without wages, and giveth him not for his work."—*Jeremiah*, xxii, 12.

"Therefore, thus saith the Lord: ye have not hearkened unto me, in proclaiming liberty, every one to his brother, and every man to his neighbor; behold! I will proclaim a liberty for you, saith the Lord, to the sword, to the pestilence, and to the famine."—*Jeremiah*, xxxiv, 17.

"He shall judge the poor of the people. He shall save the children of the needy, and shall break in pieces the oppressor."—*Psalms* lxxii, 4.

"For the oppression of the poor, for the sighing of the needy, now will I arise, saith the Lord. I will set him in safety from him that puffeth at him."—*Psalms* xii, 5.

Now, if the existence of this huge injustice in the land has aroused the wrath of the Almighty, and if this injustice is in direct contravention of the fundamental purpose of a Government ordained by His providence, then surely an obligation rests upon us to put away the iniquity, and there is no safety to the nation without it.

But there are other antagonisms operating directly against every one of the declared purposes of the Constitution.

The great struggles and controversies of the human race have proceeded from the varied and unceasing attempts of the powerful, the wealthy, and more intelligent, to overreach, harass, and oppress the weak. God, in His

mercy, took pity upon them, and instituted republican governments as the only sure refuge of the people. This safety consists, not in the destruction of power or wealth or intelligence, but in placing such checks upon their use that the people are safe. The man of wealth, in a republic, may desire to oppress the poor, but he finds the court-house door as open to his intended victim as to himself. He may desire to oppress the hireling in his wages, but ordinarily the hireling can leave the employment of a hard master and seek a better one.

In the system of slavery these checks are all removed; capital has complete, unquestioned control, not only over labor, but over the laborer. In other cases, the greedy hand of power stands ready to snatch the hard-earned products of toil from the rightful possessor; but this system lays its iron grasp upon the laborer himself, deprives him of manhood, and drives him out among the beasts of the field. All this is in direct and fatal antagonism with the fundamental designs and purposes of this republican Government. The President recognises fully the importance of this question in that part of his annual message where he speaks of "the effort to place capital on an equal footing with, if not above, labor, in the structure of government," and warns the people to beware of this attempt to "fix new disabilities and burdens upon them until all of liberty is lost."

But it is claimed that these ill effects of the system are confined to an inferior race, and that the great mass of white laborers are not affected. Let me say in reply that human society has not been organized with any such loose joints as this. The effects of a long continued degradation of laborers cannot, in the nature of things, be confined to its immediate victims. The masses are laborers; but the masses are also the sovereigns. A systematic degradation of laborers, even though they have no participation in the duties of sovereigns, works a sure and fatal loss of proper consideration and respect for all who live by labor. If the real sovereigns of any nation are brought into disrespect and contempt, then the power of that nation is weakened and its existence endangered. Now slavery has accomplished this to a most fearful extent; not only at home, in your capital, in your commercial centres; not only does this estimate of vulgarity and inferiority rest upon the laboring sovereigns of this country in the walks of social position, so far as slavery has given tone to social life among us, but Europe is taught, by the masters of the same school, to believe that Americans are a rabble. The governing classes abroad despise you, because you have permitted yourselves to be despised and insulted at home; and to-day, when a continent trembles beneath the tread of six hundred thousand homestead kings, battling for the right to govern and control their own property, they are met with contempt and scorn from an aristocracy abroad sympathising with



the efforts of an aristocracy at home to throttle popular government in its cradle and drive humanity into bankruptcy. When the dignity of human nature has been committed to your care, and you have accepted the trust, you cannot permit it to be trampled upon with impunity without losing your own position among the nations.

Thus is this system in direct antagonism with the very foundations of national existence—that is, national honor.

But the influence of the system is not alone confined to its universal degradation of labor, and consequently of the laboring sovereigns of this country, in the estimation of the civilized world. The men who exercise unlimited and irresponsible power over so large a portion of their fellow-men who constitute the laboring force of their own section, are thereby unfitted to unite with the laborers of another section of a common country in sustaining a republican government.

By this broad assertion, I do not intend to detract from the character of slaveholders any of the fine qualities claimed for them, or bring against them charges of undue cruelty, or to deny that under some forms of government they might get along with their system successfully; but the point I make is: that while they regard and treat the laborers of their own section as chattels—deem man to be merchandise—they will not co-operate with the laborers who are the sovereigns of another section of the common country, upon those terms of equality, forbearance, and courtesy, which are absolutely indispensable to the successful administration of the affairs of a republic; I mean that a republic cannot live while this enemy to domestic tranquillity and national honor holds sway.

I stand here as a laborer, from my youth up. I represent a constituency of laborers. I presume it is no discourtesy to say that every member on this floor from the free States, represents such a constituency. The ballots that sent us here were placed in the box by fingers hardened by toil; and we cannot if we would, and would not, I trust, if we could, shirk any of the reproaches or responsibilities attached to the condition of laborers. But we are met here by those who, from the moment their infant feet could wander from a mother's care, all the way up through youth and manhood, have been trained to regard a laborer as an inferior being; have bought him and sold him and scourged him; have, by the inexorable necessities of the system, denied him earnings, family, wife, children, everything that men desire to live for, and have blotted out from his sight God's revealed pathway to a better world.

Now, is it to be wondered at that scholars from such a school should give evidence of proficiency in their training when they are brought into direct contact with laborers in legislative halls? Is it matter of surprise that time-honored settlements and compromises

of vexed questions should be trampled upon, treated with contempt, and all the vials of invective wrath poured upon the freemen who dared to complain or resist? Is it matter of surprise that the overseer's lash should be transferred from the plantation to the Halls of Congress; bluster and threats should form the staple of logic, and pistols, knives, and clubs the conclusions of argument; that executive opportunity should furnish to rebellion all its material to destroy the life of the nation and lay waste its territory? Is it a matter of wonder that, like the frogs and vermin of Egypt, this system should crawl up and take possession of the palaces, tables, and bedchambers of this capital? that in the day of the nation's peril the Pharaoh then in power should despise and neglect the opportunities of a nation's salvation, and with hardened heart and blind imbecility invite the Almighty's wrath?

These things are all the legitimate fruits of slavery. Every tree shall be judged by its fruit; and to this judgment the people of this country are now bringing this system. They have a right to pass judgment upon it, or anything else that so intimately concerns their safety and welfare; and I will venture to say that no opinion or sentiment is more rapidly forming in the minds of quiet, thinking, intelligent people than this—that the practical results of this system tend necessarily to fatal divisions and rebellions in our republican Government, and that it is consequently a dangerous foe to public tranquillity and safety.

But I also propose to show that in its neighborhood relations it is an intolerable nuisance, and ought, therefore, to be abated. The system operates directly between master and slave, and if its effects were confined solely to them its neighborhood relations could have no place in the discussion. But this is not the case. There are two classes of persons upon whom it operates, who have rights under the Constitution, and who have at least as strong a claim for protection in those rights as slaveholders.

I refer to non-slaveholders residing in the slave States, and to other citizens temporarily sojourning in those States. When slavery first appeared in our paradise, it came sneaking in like Satan on a primitive enterprise, who "sat, squat like a toad by the ear of Eve," and beguiled her into transgression. Then it had no argument or reasons, no law or constitution, and had no religion; it only asked for a night's lodging; would sleep in a shed, and work faithfully and quietly in the field. But now, in the plenitude of its power, it turns round and pre-empt's the whole country by virtue of a night's hospitality. It is full of arguments and reasons, a member of the church in good and regular standing, and has absorbed about all the law and constitution there is in the land. Now it finds that a favorable public opinion is necessary to its own existence. The institution cannot prosper unless it is popular,



and, like a grist-mill or tavern, it must have the "good will" of neighbors. After it has deprived the mass of its immediate neighbors of all means of education, the task of controlling public opinion was not hopeless. Indeed, a few catch-words and phrases, appeals to prejudices, were sufficient; but this has not always answered. It was found that men would think and talk and print things not favorable to the system.

Assigning as a reason that sentiments, openly avowed, hostile to the system, would encourage revolt among the slaves, thus acknowledging that the inexorable necessities of the system required it, its guardians have actually succeeded in establishing a despotism over their entire territory more rigid and cruel and fraught with more national disgrace than anything that has cursed Europe for the last century. There is no freedom, and has been no freedom of opinion for years in the slave States, even among the free white men. A rigid censorship has been exercised, and a cruel inquisition made as to the sentiments of every man on this subject. No man dare speak or write sentiments hostile to the institution. And this has been avowedly a slavery necessity. I will not take time to go into detail on this subject. Volumes might be penned illustrating the stubborn fact which I have stated—that there is, and has been, no freedom of opinion, but that the night of despotism had, before the rebellion broke out, settled down all over the land at the bidding of slavery. And I stand here to denounce with unmeasured indignation such a nuisance as absolutely intolerable.

If the miserable slave, toiling in his bondage, has no right to appeal to the nation's sovereignty, if judicial decisions have denied them all right of a hearing, so that they are driven to God alone, surely the burning infamy of such a despotism, exercised upon bone of our bone and flesh of our flesh, men who are white enough to have rights, might startle the guardians of a nation's honor, and lead to the inquiry of abatement.

But slavery has other neighbors. The free-men of the North desire occasionally to prosecute lawful pursuits, or find recreation and pleasure in travelling through the boundaries of States where the Constitution is presumed to be protection and defence. But long before this rebellion broke out such visits were absolutely forbidden, except upon terms involving the personal degradation of Northern men. No such visitor was allowed to discuss openly the fundamental dogma of the Declaration of Independence. If he crossed the slave line he must leave behind him his manhood, his conscience, his freedom of thought and speech, and submit to an inquisition as hateful as ever cursed the despotisms of Europe. Now, why this insult upon neighbors? Simply because slavery demanded it; because the guardians of that institution said it could not live unless these de-

grading restrictions were enforced. It was not because slaveholders were the worst of men, but because the worst of systems required it; and I do not recall this as a personal matter with slaveholders, but to show what they regard as necessary for the existence and prosperity of their institution.

What is to be done with freemen's rights in this regard when reconstruction comes? Do you say they will abandon such naughty ways hereafter? The blistered limb might as well trust a second time the burning heap of coals. No, sir, if the life of the institution has been hitherto dependent upon such neighborhood annoyances, it will be none the less so in future. Do you intend to give up by reconstruction the right to visit the sepulchres of your honored dead, whose bones rest under the surface of a soil redeemed from rebellion by their blood? Or do you intend to confine such pilgrimages to those only who can procure a pass from the chairman of some central committee, who can certify that the holder hereof is "right on the goose?" Do you ask the rightful sovereigns of this country ever again to submit to the insults and outrages of former days? If you do, I think you are mistaken in the temper and determination of the people. There is no remedy for such outrages except by removing their cause. And, I say, if State rights and State institutions are hereafter to inflict such outrages and insults, I would grind them into powder finer than Moses made from the idolatrous calf of the Israelites. I will never consent to leave to posterity to fight this quarrel over again whenever it suits the personal ambition of an oligarchy to conspire against a nation's tranquillity. If no indemnity can be had for the past, security must be made doubly sure for the future.

I have thus passed under review, very briefly and hastily, some of the points of conflict between the system of slavery and the Constitution, and have endeavored to point out its irreconcilable antagonism and deadly hostilities to a republican government. I have purposely avoided as much as possible the commercial and personal aspects of the subject. The inquiry which I have started is, whether it is an enemy to the nation's sovereignty, and whether its hostility is of that marked and determined character that that supreme law, "the safety of the people," requires its annihilation. If I have no right under the Constitution to prosecute this inquiry; if I have no right, acting here as an humble unit among the guardians of the nation's sovereignty, to determine what are and what are not enemies, and to act accordingly; or if I have entirely misjudged as to the real character of the institution itself; then I desire to drop the discussion, for I have no wish to agitate this or any other question merely for the sake of the excitement growing out of such agitation. But this question is upon us in all its length, breadth, and overwhelming magni-



tude. I desire to have it settled, and settled forever. I stand here not acting simply for myself or for a living constituency. I am the trustee of unborn millions, and I try to recognise fully the weighty and solemn responsibility of the trust. I want to know whether I live and whether my children are to live under a sovereignty or not; whether that sovereignty is competent to protect its loyal citizens from insult and outrage wherever its glorious flag waves; whether, when the organic law declares the preservation of its own unity and the domestic tranquillity of the nation to be the objects of its creation, the condition of its existence, I have a right to inquire what enemy has destroyed both unity and tranquillity, and whether, in my action here, I have a right to deal with that enemy as with all other enemies. If this nation is to be a mere province, to be controlled by States and State institutions; if enemies can grow up in our midst, too powerful or too sacred to be touched; if the Constitution was really intended by its authors to commit suicide in the day of its trial, and acknowledge that an enemy to its own unity, a violator of natural justice, a persistent disturber of the domestic tranquillity, a foe to the public welfare, and a destroyer of the peoples' liberties, may hold sway perpetually without the power of self-defence; if the bald political absurdity of an *imperium in imperio* is not only to be tolerated, but allowed to "cry havoc and let loose the dogs of war" upon the national life with impunity and without punishment, this great sovereignty had better at once go into bankruptcy or apply to probate for a guardian.

But I may be asked, why do you not regard slavery now, as formerly, a local thing, which may be allowed to exist beyond the reach of the General Government? I reply, I must judge a tree by its fruit: this rebellion is the ripened fruit of slavery. I may live for years by the side of a neighbor of whose vicious temper I may be well aware, and from whom I may expect some fearful development in crime, but I may treat him all the while as a neighbor; certainly may not touch him as a criminal. His evil disposition may, however, lead him with malice aforethought to take the life of his fellow. Am I expected to treat him, after the overt act, just as I did before? Does the law treat him just as it did before? This rebellion is the overt act of slavery. You may as well ask me to regard with like complacency the quiet house cur sleeping at my feet, and the same animal ranging the streets as a slobbering mad dog. This rebellion is slavery run mad, and God never ordained but one cure for hydrophobia, and that is death.

It may also be urged that Government can only deal with individuals who are the guilty actors in the rebellion. While I deny utterly the propriety of strait-jackets for a sovereignty struggling for its own existence, I desire to say

most emphatically that the individual actors in this scene ought to be dealt with with unsparing severity.

When it pleased the Almighty first to establish a constitutional government on earth, when he had given the race an organic law, and had organized the nation of His choice under "statutes and ordinances," and had by His own election designated their rulers and leaders, He was met in His wise and beneficent designs almost at the outset of the enterprise with a most determined and formidable rebellion. "Two hundred and fifty of the princes of Israel, famous in the congregation, men of renown," with Korah, Dathan, and Abiram at their head, declared that they would not submit to the Lord's election of leaders. "They gathered themselves together against Moses and against Aaron." The issue was fairly made between the constituted authorities and the rebels. Moses placed the matter in the hands of the Lord, and thus we have an instructive lesson as to how He put down a rebellion. Did he argue the right of coercion with them? Did he spend breath in offers of compromise? Did he send after them a gospel of peace and conciliation? No, sir; he sent them quickly down to hell, and passed a general confiscation act, by the prompt execution of which they and "their men, their goods, and everything that pertained to them," "went down alive into the pit, and the earth closed upon them, and they perished from among the congregation;" thus affording a terrific testimony of Almighty God against a causeless rebellion.

I have thus briefly examined the first and second general propositions proposed in the outset, namely, that Congress, as the nation's sovereignty, has a right to destroy enemies of the national life; that slavery is such an enemy—which brings me to the conclusion that it is, therefore, the right and duty of Congress to destroy slavery.

It is one thing to have power; it is quite another thing to exercise that power. If the power exists, there is a corresponding duty and obligation. And this brings us at once to grapple with the great practical issues of emancipation. It is impossible for me in the few minutes allotted to speak of plans or details—to discuss gradualism, or immediateism, or colonization; and I can only remark generally that the inquiry opens widely the door of expediency in connection with correct principles; brings at once to our most careful consideration the results of so great a change in the condition of one of the mighty laboring forces of the nation; suggests the utmost forbearance towards all interested; demands protection and regulation for the weak, and true conservative regard for the property and commercial interests involved. A more delicate, complicated, and important task has seldom been committed to mortal hands, and yet I am not ready to admit that it cannot be done; I am not willing to suppose



that Providence and the Anglo-American race, after having accomplished so many wonders, are to be stalled by a handful of negroes.

When summary vengeance has been visited upon the heads of the reprobate leaders, and the rightful authority of this Government established over every foot of its territory, then the objects of this war are accomplished and it ought to end. I so voted on the 22d of July last. I never intended that this war should be prosecuted for the purpose of abolishing slavery. If emancipation does result from the war, it will be because the war is the eruption of the hitherto slumbering volcano; it will be because the war is a compendium of reasons against the system; because the booming reports from the stolen ordnance of secession have aroused the nation to grapple with its deadliest foe, and assert the right of self-defence, a right never before denied to any being that has a right to live.

I claim that this nation has a right to live; that it has a right to resort to every means of self-defence necessary to self-preservation. That if, in the judgment of Congress, slavery is a public enemy, (and if it is not, I do not want to touch it,) it may and ought to be dealt with at any time as such. And I say that it is an absurdity to hold that a question of self-preservation can only be considered in time of war, and settled only by the war-power. Emancipation should be an assertion, not to be mistaken and never to be forgotten, of the right of the sovereignty to take care of itself, to deal summarily with its own enemies, and to provide for its own tranquillity, defence, and welfare. If resistance is made to laws of emancipation, it will be made at the peril of the law-breaker.

While I have no doubt of the right to confiscate the property of rebels, and to liberate their slaves, and will vote for such a proposition, if nothing better can be done, yet this liberation by the war power may be partial, does not necessarily abolish the system, and must necessarily neglect the important practical details so necessary to the well-being of all parties. Nor do I believe the territorial theory to be correct, so far as it is intended to be used for the purpose of emancipation; for if it be true that those States have really committed suicide, and are dead, then their local laws and institutions are also dead, and the Constitution necessarily prevails all over the territory, acting directly upon all the inhabitants. And whenever the sweet and heavenly breath of the Constitution shall pass through the lungs of a slave he will be free, like the "Spirit of the Lord in the valley of dry bones," proclaiming, "Come from the four winds, O breath, and breathe upon these slain, that they may live." You want no additional enactment, no political formula, to determine the status of all "the inhabitants of the land." If, however, the theory be correct that their State existence remains in duress, to be disenthralled by acts of returning loyalty, I

would still have the voice of Congress, like an archangel's trumpet on a legitimate errand of resurrection, bid the dry bones of a withering and accursed despotism to live, and rescue the most glorious of earth's nationalities from a premature grave.

Sir, I stand here as a conservative man, with conservative instincts, interests, and purposes. I desire first of all to conserve the life, unity, and permanent tranquillity of this nation. I desire to conserve those great principles of personal liberty which have been winnowed out of the chaff of six centuries, and are garnered up in the Constitution of the United States, not for ourselves and our children merely, but for all future generations of men. As I view this matter, I would as soon think of allowing a nest of vipers to live in the cradle of my children as to permit this system of slavery longer to exist in this country. According to my conservatism, it is simply a question between the children and the snakes. But I do not want to abate one nuisance and set up another in its place. I do not want slave insurrections. I do not want midnight alarms, or hearthstones soiled with family blood. I do not want a wandering vagrancy of free blacks, or a promiscuous amalgamation of races. We have had enough of all this; and it is because I desire to avoid these evils that I insist upon the right and duty of the General Government to take this whole question into its own hands, and deal with it in a business-like, practical, conservative manner. Here is the true field for conservatism to do its work in.

The objection has been urged upon this floor that an act of liberation would "Africanize southern society." Sir, I am not willing to suppose that "southern society" is so feeble a structure that it will be jostled from its position by an act of justice done to an inferior class. It does not follow that because you pay a man for a day's work you are obliged to sleep in the same bed with him. It does not follow that because you make the hovel of the slave "his castle" for purposes of protection, that he is to spend his time sitting in your parlor. It does not follow that because you secure him in enjoying the society of his own family, that his family and yours are to be compounded into one social circle. It does not follow that because you give him the rights of manhood, he is to become an idle pilfering vagrant, free from the restraints of law and order.

But there is another view of the subject forced upon our attention by the state of things with which we are already surrounded. You may deny the fact or ignore it, but the inexorable logic of events is daily demonstrating that slavery never can be hereafter the same as hitherto. This war, before it ends, will have totally demoralized the system and rendered it more dangerous to social security, and far less profitable and efficient as a producing force. It is every day teaching the slaves practical



lessons of liberty, and practical lessons of the efficiency and power of physical force. All the slumbering energies of "love for liberty" will be evoked from the darkened recesses of the heart of a degraded and downtrodden people. The Almighty never fastened such a motor to the human race as this innate, ineradicable "love for liberty." You may sneer at it or scold about it as you please, but it has done more for human progress, has carried the race up steeper grades, around sharper curves, over rougher tracks, and on the whole with greater speed and safety; than all other purely human forces combined, and if I may be permitted to guess about the future, it will be found that the great Conductor of human affairs will have hitched that locomotive to the four millions of slaves; and the question now is, will you, as the proper and appointed guardians, take charge of the train and run it safely and smoothly over the nation's future highway of prosperity, or will you permit it to run as a wild train, without lights, signals, brakemen, or engineers? True conservatism points to the General Government as the only proper and competent authority to save us in future from such fearful collisions, disaster, and ruin.

By acts of Congress already passed, many thousands of slaves all over the slave States are entitled to their freedom. You have already initiated disintegration and destruction to the system. You have already set fire to the end of the fuse, and sooner or later the explosion will carry desolation and ruin unless the conservative power of Congress is interposed properly to direct and control the elements. If five hundred thousand slaves—as has been stated on this floor—are already set free by acts on your statute-book, can it be supposed that the remainder will continue in bondage with the same docility as before? No one would deny the power of the Federal Government to suppress a slave insurrection. Is it any the less their duty to prevent one?

Sir, the only path of safety is in doing just what the Constitution set out to do, just what your fathers pledged the world should be done—"establish justice" and "secure liberty" throughout the land. Then the unity, tranquillity, and welfare of the nation will be secured and made permanent.

I reiterate the words used by the honorable gentleman from Pennsylvania, [Mr. STEVENS,]

in the preamble to his bill now under consideration—"slavery has caused the present rebellion, and there can be no permanent peace and union in this Republic so long as that institution exists." Everybody knows this to be true. Our people understand it. Foreign nations know it. The civilized world have their searching eye upon us, to see whether we have the firmness and wisdom to manage this mighty subject. Shall we occupy the ridiculous position of having wellnigh exhausted the blood and treasure of the nation to suppress a rebellion, and leave the admitted cause of it untouched? Shall we quail before threatened party organizations, yield to fierce denunciations, or be misled by predictions of wonderful social evils to result from emancipation? The nation, sir, has been led astray quite long enough with the miserable partisau war cry that emancipation means "to turn the niggers loose." Why, sir, I would not turn four millions of "Yankees" loose and allow them to do as they please. I do not know that anybody or anything in this country is turned quite loose, except it is this system of slavery; and I pray most earnestly that "the strong and mighty angel, having a great chain in his hand," may hasten to lay hold of that devil and turn upon him the key of the bottomless pit. One would suppose, listening to the clamor on this subject, that emancipation was like the turning loose of the four Euphratean angels, who, under the symbol of two hundred thousand thousand horsemen, whose horses had heads like lions and tails like serpents, breathing from their mouths fire, smoke, and brimstone, were sent forth to "destroy the third part of men." Emancipation never has been and never will be sent forth on any such errand. No; it is rather an echo of that sweet song which once ravished human ears when the angel choir announced the advent of earth's great Emancipator, with the shout of "glory to God in the highest, and on earth peace and good will toward men." It is rather a "tree standing by the river of life, whose leaves are for the healing of the nations." It is rather a harbinger and sure precursor of that happy period when—

"The desert shall blossom and the barren sing;  
When justice and mercy, holiness and love,  
Shall among the people walk, Messiah reign,  
And earth keep jubilee a thousand years."

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